

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Inventors** 

Michael M. Thackeray et al.

Title

SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES

FOR LITHIUM CELLS AND BATTERIES

Serial No.

09/943,966

Filing Date

August 31, 2001

Art Unit

1745

Date

January 23, 2006

Docket No.

220

### CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being forwarded, via EXPRESS MAIL NO. EV (9342000). postage prepaid, before the last scheduled pick-up, to Commissioner for Patents, MAIL STOP P.O. Box 1450, Alexandria, VA 22313-1459, on

Date of Mail

Signature

#### MAIL STOP PETITIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 RECEIVED

DEC 1 2 2006

**OFFICE OF PETITIONS** 

#### RENEWED PETITION UNDER §1.137(b)

SIR:

This renewed petition is response Paper No. 9 dated November 21, 2005.

A request for reconsideration of the decision dismissing the prior filed Petition filed August 16, 2005 is requested.

Enclosed herewith are formal patent drawings for filing in the above case. The delay in filing the required reply from the due date for the reply until the filing of a grant able petition was unintentional.

Serial No. 09/943,966 Filed: August 31, 2001 Art Unit 1745 Docket ANL 220

The Commissioner is requested to charge any additional fees or credit any overpayments incident to the filing of this Petition to Deposit Account No. 05-1060. A duplicate copy of this Petition is enclosed.

January 23, 2006

Respectfully submitted, Emrich & Dithmar, LLC. Attorneys for Applicants

Harry M. Levy, Esq. Registration No. 24,248

125 South Wacker Drive Suite 2080 Chicago, Illinois 60606

Phone:

(312)-663-9800

Facsimile:

(312) - 663-9822

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a

PTO/SB/64 (10-05) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE ation unless it displays a valid OMB control number.

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Docket Number (Optional)

**ANL 220** 

First named inventor: Michael M. Tha	nackerav	et al.
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Application No.: 09/943,966

Art Unit: 1745

DEC 1 2 2006

Filed: August 31, 2001

Examiner:

Title: SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR LITHIUM CELLS AND BATTERIES

OFFICE OF PETITIONS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

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1.Petition fee Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity – fee \$ (37 CFR 1.17(m))
2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of(identify type of reply):
has been filed previously on <u>February 21, 2002</u> is enclosed herewith.
B. The issue fee and publication fee (if applicable) of \$  has been paid previously on  is enclosed herewith.
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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).] **WARNING:** Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are porretained in the application file and therefore are not publicly available. Ďate HARRY M. LEVY 24,248 Typed or printed name Registration Number, if applicable 125 South Wacker Drive 312-663-9800 **Address** Telephone Number Suite 2080 Address Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Drawings - Figures 1 - 9 CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)] I hereby certify that this correspondence is being: Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office\_as (57,1) 273-8300. Signature Brenda Starks Typed or printed name of person signing certificate



12-06-06

PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Michael M. Thackeray et al.

Title

SYNTHESIS OF INTERMETALLIC NEGATIVE

ELECTRODES FOR LITHIUM CELLS AND BATTERIES

Serial No.

09/943,966

Filing Date

August 31, 2001

Docket No.

**ANL 220** 

Art Unit

1745

Date

December 2, 2006

#### CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being forwarded, via Express Mail No. EV 72510 289 over postage prepaid, before the last scheduled pick-up, in an envelope addressed to Commissioner for Patents, MAIL STOP STATUS P.O. Box 1450, Alexandria, VA 22313-1450, this and of December, 2006.

Signature

## EXPRESS MAIL NO. 6 V 225102897 US

Commissioner for Patents P.O. Box 1450 Alexandria. VA 22202-3513 RECEIVED

DEC 1 2 2006

**OFFICE OF PETITIONS** 

## <u>REQUEST FOR STATUS</u>

Sir:

In the periodic review of our docket and captioned application file, we note there has been no action in the captioned application since applicant forwarded via Express No. EV 693420070 on January 23, 2006, a Renewed Petition to Revive Under §1.137(b) and substitute drawings (figures 1-9). Copies of the prior submitted Renewed Petition and drawings are enclosed. A copy of the return receipt postcard showing the PTO mailroom date stamp of January 23, 2006 is also enclosed.

Serial No. 09/943,966 Filed August 31, 2001 Docket No. ANL 220 Art Unit: 1745

Please inform the undersigned as to the status of this case.

This paper is being submitted in duplicate.

Respectfully submitted,

EMRICH & DITHMAR, LLC. Attorneys for Applicant

gistration No. 24,248

Date: 174/6b

125 South Wacker Drive Suite 2080 Chicago, Illinois 60606 (312) 663-9800

Facsimile: 312 663 9800 e-mail: Emrichhml@aol.com



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EMRICH & DITHMAR

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**OFFICE OF PETITIONS** 

The Stamp of the U.S. Patent and Trademark Office hereon may be taken as an acknowledgement of the receipt on the date stamped of: Transmittal Form; Fee Transmittal FY 2005; RENEWED Petition to Revive under §1.137(b); DRAWINGS (Fig. 1-9); Retufff Receipt Postcard

Client:

ARGONNE NATIONAL LABORATOR

CASE No. Serial No.

220 09/943,966

Filed:

August 31, 2001

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Fee Transmittal Form		Drawing(s)		After Allowance Communication to TC
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Printed name HARRY M. LEVY	1			
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the date shown below: Signature		<i>(A</i> )		
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

DEC 0 5 2006

Name (Print/Type)

HARRY M. LEVY

PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032

Approved for use through 07/31/2006, OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE anexwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMR control number

FEE TRANSMITTAL For FY 2005  □ Applicant claims small entity status. See 37 CFR 1.27  TOTAL AMOUNT OF PAYMENT (\$ 0.00  METHOD OF PAYMENT (check all that apply)  □ Check □ Credit Card □ Money Order □ None □ Other (please identify): □ Deposit Account Deposit Account, the Director is hereby subtrocted to: (check all that apply) □ Charge fee(s) indicated below □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except for the filling fee □ Charge fee(s) indicated below. except fee fee fee fee fee fee fee fee fee fe			THE THE SERVICE AND THE	ament its res	CHARGE IO S CONSCIE	no or informatio	on unless it displays	S A VAIM OMR control number
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Design   200   100   100   50   130   65	Utility							1 000 1 010 101
Plant 200 100 300 150 160 80  Reissue 300 150 500 250 600 300  Provisional 200 100 0 0 0 0 0  EXCESS CLAIM FEES  Fee Description  Each claim over 20 (including Reissues)  Each independent claim over 3 (including Reissues)  Total Claims  Total Claims  Extra Claims  Fee (\$) Fee (\$) Fee Paid (\$)  HP = highest number of total claims paid for, if greater than 20. Indep. Claims  Fee (\$) Fee Paid (\$)  HP = highest number of independent claims paid for, if greater than 3.  APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof.  Fee Paid (\$)  Sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Fee (\$) Fee Paid (\$)  Fee Paid (\$)  Fee Paid (\$)  Fee Paid (\$)  Fee Paid (\$)  Telephone axes cee once.	Design	200						
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Fee Description  Each claim over 20 (including Reissues)  Each independent claim over 3 (including Reissues)  Multiple dependent claims  Total Claims  - 20 or HP =			100	Ū	U	U	-	Small Entity
Each independent claim over 3 (including Reissues)  Multiple dependent claims  Total Claims  Extra Claims  - 20 or HP =	Fee Description						Fee (\$)	
Multiple dependent claims  Total Claims  Extra Claims  Pee (\$) Fee Paid (\$)  HP = highest number of total claims paid for, if greater than 20.  Indep. Claims  - 3 or HP =	Each claim over 20 (	including R	.eissues)					
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HP = highest number of total claims paid for, if greater than 20.  Indep. Claims  Extra Claims  Fee (\$) Fee Paid (\$)  -3 or HP = x = 0  HP = highest number of independent claims paid for, if greater than 3.  APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof  - 100 = /50 = (round up to a whole number) x = (round up to a whole number) x  Fee Paid (\$)  OTHER FEE(\$)  Non-English Specification, \$130 fee (no small entity discount)  Other (e.g., late filing surcharge):  Registration No. 24 240  Telephone 2423 CC2 2000		Extra Clain						
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This cellection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to flie (and by the USPTO to precess) an application. Cenfidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, propering, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office. U.S. Department of Commerce. P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date